

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA,

Plaintiff,

ex rel.

JAMES DOGHARAMJI; SHEREE COOK;
and RACHEL BRYANT

Relators,

v.

COMMUNITY HEALTH SYSTEMS, INC.
et al.

Defendants.

CASE NO. 3:11-cv-0442

**JUDGE SHARP
MAGISTRATE JUDGE GRIFFIN**

JURY DEMAND

**RELATORS' MOTION FOR AWARD OF
ATTORNEYS' FEES, COSTS, AND EXPENSES**

Pursuant to 31 U.S.C. § 3730(d) of the False Claims Act (“FCA”), Relators Dr. James Doghramji, Sheree Cook, and Rachel Bryant (“Relators” or the “Doghramji Relators”) move this Court for an award of their statutory fees, costs, and expenses associated with this litigation that resulted in a settlement between Relators, Defendants, the United States, and participating States – a settlement that returned more than \$98 million to the federal and state governments.¹

Relators seek an order of this Court requiring Defendants to pay their reasonable attorneys' fees in an amount of \$3,137,779.50 and their reasonable costs and expenses in the

¹ The Settlement between the parties did not require Defendants to pay Relators' attorneys' fees, costs, and expenses. Instead the Settlement allowed each Relator who is a party to the Settlement Agreement to petition the Court for an order requiring payment of fees, costs, and expenses that the Court finds reasonable.

amount of \$61,840.54. These fees are based on reasonable hourly rates charged by counsel and their staff in this litigation. These fees, costs, and expenses have been kept contemporaneously by Relators' counsel in their firms' billing systems during the course of this litigation.

As discussed in the accompanying Memorandum of Law, Relators are entitled to recover their reasonable fees, costs, and expenses incurred in this litigation for their work performed in furtherance of this litigation and settlement. A substantial amount of this work was done in conjunction with counsel for the United States as the case was investigated, litigated, and, ultimately, resolved in an amount representing the largest FCA settlement in the Middle District of Tennessee.

In addition to their Memorandum of Law, Relators offer declarations from qualified attorneys as to the reasonableness of Relators' counsels' fees, costs, and expenses, as well as the importance of their work performed in conjunction with the government's counsel. These declarations include: a declaration from Arthur R. Miller, one of the nation's preeminent scholars in the areas of complex litigation, class actions, copyright, and civil procedure, who taught for more than thirty years at Harvard Law School and who currently teaches at the New York University School of Law; a declaration from Frank W. Hunger, a former U.S. Assistant Attorney General who supervised the enforcement of the False Claims Act for the U.S. Department of Justice from 1993 to 1999, who is now in private practice in Nashville, Tennessee; and a declaration from Sam S. Sheldon, who served in the U.S. Department of Justice as the Deputy Chief of the Criminal Fraud Division and as head of the Health Care Fraud Unit from 2011 through 2013, who is now in private practice in Washington, D.C.

Relators also submit declarations from the following attorneys, each of whom testifies as to the reasonableness of the hourly rates of Relators' counsel: Michael L. Russell of the

Tennessee bar; W. Michael Hamilton of the Tennessee bar; Leon Dayan of Washington, D.C.; Charles R. Both of Washington, D.C.; and Mark A. Griffin of Seattle, Washington. Each of these attorneys offers declarations setting forth their background and experience, as well as their opinions as to the reasonableness of attorneys' fees charged by Relators' counsel in this matter.

For the reasons addressed in the accompanying Memorandum and supporting Declarations, this Court should grant Relators' Motion and award Relators their attorneys' fees, costs, and expenses in accordance with 31 U.S.C. § 3730(d).

Date: September 29, 2014

Respectfully submitted,

/s/ David W. Garrison

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CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2014, a copy of the foregoing *Relators' Motion for Award of Attorneys' Fees, Costs, and Expenses* was filed electronically with the Clerk of the Court using the CM/ECF system, which will send notice of electronic filing to the counsel of record listed below.

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